



# HOUSE BILL 766: Amend CBD Oil Statute

2015-2016 General  
Assembly

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<b>Committee:</b>	Senate Health Care	<b>Date:</b>	June 11, 2015
<b>Introduced by:</b>	Reps. McElraft, Avila, Carney	<b>Prepared by:</b>	Theresa Matula
<b>Analysis of:</b>	PCS to Second Edition H766-CSTU-21		Kristen Harris Committee Staff and Counsel

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**SUMMARY:** *The Proposed Committee Substitute for House Bill 766 would amend the exemption for the use or possession of hemp extract and authorize certain neurologists to use hemp extract to treat intractable epilepsy without participating in a pilot study.*

*[The PCS adds Sections 8 and 9 to the bill.]*

### CURRENT LAW AND BACKGROUND:

The North Carolina Epilepsy Alternative Treatment Act (NCEATA) was enacted into law by S.L. 2014-53 in 2014. NCEATA defines "intractable epilepsy" as a seizure disorder that, as determined by a neurologist, does not respond to three or more treatment options overseen by the neurologist.

The North Carolina Controlled Substances Act establishes criminal penalties for the use and possession of cannabis as a Schedule VI drug. Possession or use of cannabis is punishable as a Class 3 misdemeanor or higher.

Possession of cannabis in the form of a hemp extract used solely to treat intractable epilepsy is also punishable as a Class 3 misdemeanor or higher; however, an exemption to the Controlled Substances Act for certain uses or possession of hemp extract to treat intractable epilepsy was enacted by S.L. 2014-53, which will become effective upon the adoption of rules by the Department of Health and Human Services.

### BILL ANALYSIS:

**Section 1** would amend the law relating to an exemption for the use or possession of hemp extract by redefining the compositional characteristics of "hemp extract".

**Section 2** would amend the purpose of NCEATA to permit medical professionals to treat intractable epilepsy with hemp extract, and to delete references to studies to be undertaken related to the use of hemp extract to treat intractable epilepsy.

**Section 3** would amend NCEATA's definition of "neurologist" to include persons affiliated with the neurology department at one or more hospitals licensed in this State, and to delete the definition of pilot study.

**Sections 4 through 7** would make conforming changes consistent with Section 3.

**Section 8** would amend the effective date of S.L. 2014-53.

**Section 9** would require the Department of Health and Human Services to establish and adopt rules to implement NCEATA.

**EFFECTIVE DATE:** This act is effective when it becomes law.

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